IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9428 OF 2004

Shetkari Sahakari Sangh Ltd. Petitioner
versus
Maharashtra State Co-op. Marketing Federation Ltd; Mumbai. Respondent

Shri Anilkumar Patil for petitioner.
Shri A.J.Jadhav for respondent.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 18th January 2006
PC :

1. In my view, it would be stretching too far by applying all liberal principles while condoning delays and lapses on the part of parties who apply to set aside orders passed ex-parte against them, if in this case jurisdiction under Articles 226 and 227 of the Constitution of India is exercised in favour of petitioner Sangh. It appears that the petitioner Sangh has been negligent in not pursuing an application for restoration and their request for setting aside an ex-parte award passed against them has been rightly rejected by the Courts below. After hearing Shri Patil, I do not find any error apparent or perversity on the part of the Courts below when they refused to exercise the discretion in favour of the petitioner Sangh. Petition dismissed.

(S.C.DHARMADHIKARI, J.)